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DEPARTMENT OF  
DEVELOPMENTAL SERVICES

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Concerning

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Early Intervention Services for  
Infants and Toddlers and their  
Families

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**Draft 1-22-2010**

**Section 1. Section 17a-248-1 to Section 17a-248-2, inclusive, of the Regulations of Connecticut State Agencies is amended to read as follows:**

**17a-248-1 Definitions**

[For purposes of Sections 17a-248-2 to 17a-248-10 of these regulations, the following definitions shall apply:] As used in section 17a-248-1 to section 17a-248-10, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Administrative proceeding” means a formal procedure before an impartial decision maker appointed to hear evidence and render a decision final and binding on the parties unless reversed or modified on appeal.

(2) “Birth to Three System” means [a] the statewide, comprehensive, coordinated, multidisciplinary, interagency [program of] system that provides early intervention services for infants and toddlers with disabilities and their families.

(3) “Days” means calendar days.

(4) “Diagnosed [Condition] condition expected to lead to a developmental delay” means those conditions, diagnosed by a physician, audiologist or speech pathologist, that are designated by the lead agency as having a high probability of resulting in a developmental delay.

(5) “Director” means the person designated by the [Commissioner] commissioner of the lead agency as the person responsible for all statewide aspects of the Birth to Three System.

(6) “Impartial decision maker” means the person duly designated for the purpose of conducting an administrative proceeding pursuant to 34 CFR 303.421 [through 425.] to 303.425, inclusive.

(7) “Individualized Family Service Plan [or] (IFSP)” means a written plan for providing early intervention services to an eligible child and the child’s family.

(8) “Interim IFSP” means a temporary plan developed with parental consent for a child with a known developmental delay or disability who has apparent immediate needs [to enable] for early intervention service delivery between initial identification of the child’s needs and the completion of the multidisciplinary evaluation and assessment. [of a child with a known developmental delay or disability.] The interim IFSP shall include the name of the service coordinator and the early intervention services that have been determined to be needed immediately.

(9) “Lead agency” means the Department of Developmental Services, the public agency responsible for the administration of the birth-to-three system in collaboration with the participating agencies.

[(9)] (10) “Mediation” means a voluntary, non-adversarial process by which [the] a parent of a child and [the] an early intervention program are assisted by a trained mediator that has been designated by the lead agency to provide mediation services to reach agreement regarding eligibility, the provision of early intervention services, or the failure of an early intervention program to act within a period required by 34 CFR 303.423.

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(11) “Parent” means (A) a natural, adoptive or foster parent of a child; (B) a guardian, other than the Commissioner of Children and Families; (C) an individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative with whom the child lives; (D) an individual who is legally responsible for the child’s welfare; or (E) an individual appointed to be a surrogate parent.

[(10)] (12) “Personally identifiable” means information which includes, but is not limited to, (A) the name of the child, the parent, or other family member; (B) the address of the child, the parent or other family member; (C) a personal identifier, such as the social security number of the child, parent, or other family member; (D) a list [of] or description of personal or physical characteristics or other information that would make it possible to identify the child, the parent or other family member with reasonable certainty.

[(11)] (13) “Program” means an agency providing comprehensive, early intervention services to eligible children operated by, under contract with, or through an interagency agreement with the lead agency.

[(12)] (14) “Record” means any information recorded in any way, maintained by a Birth to Three state-operated program, [regional manager,] Birth to Three contractor or [other DMR] lead agency personnel. A record shall include any information recorded in any way[,] including, but not limited to, handwriting, print, electronic, tape, film, microfilm, [and] or microfiche.

[(13)] “Regional Director” means that person or his designee appointed by the commissioner to be directly responsible for the management of one of the department’s regions.

(14) “Regional Manager” means the person designated by the Regional Director as the person responsible for the administration of the Birth to Three System in that region.

(15) “Service Coordination” means activities which assist and enable an eligible child and the child’s family to receive the rights, procedural safeguards, and services that are authorized to be provided by the Birth to Three System.]

(15) “Service coordination” means activities that assist and enable an eligible child and the child’s parent to understand a child’s rights and the procedural safeguards afforded by the Birth to Three System and to receive services that are authorized by the Birth to Three System.

(16) “Significant [Developmental Delay] developmental delay” means the child’s scores on an appropriate norm-referenced standardized diagnostic instrument are (A) two standard deviations below the mean in one area of development; or (B) one and one-half standard deviations below the mean in at least two areas of development. When the use of the standardized diagnostic instrument is not appropriate due to a child’s age or when a child requires significant adaptation to perform on a standardized instrument, the evaluator may substitute another procedure.

(17) “Surrogate [Parent] parent” means a person appointed or designated to act as a parent for the child for the [birth to three system,] Birth to Three System, when a child’s [birth or adoptive] parents are unknown or unavailable.

**17a-248-2. Referrals**

- (a) All referrals shall be made through a [single telephone number] single point of referral designated by the lead agency.
- (b) Referrals made by [persons or agencies other than the child's parent] an agency or by a person other than a child’s parent shall include sufficient information to contact the child’s parent. [The parent shall, after being contacted, give verbal consent before the referral can be made.] A child’s parent shall give verbal consent before a referral can be made to the Birth to Three System.

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**Section 2. Section 17a-248-3 to Section 17a-248-4, inclusive, of the Regulations of Connecticut State Agencies is amended to read as follows:**

**17a-248-3 Eligibility**

[Children eligible for the Connecticut Birth to Three System are those children who are:]  
A child shall be eligible for the Connecticut Birth to Three System, if the child is:

- (1) experiencing a significant developmental delay in one or more of the following areas:
  - (A) cognitive development;
  - (B) physical development, including vision or hearing
  - (C) communication development;
  - (D) social or emotional development; [or]
  - (E) adaptive skills; or
- (2) diagnosed as having a physical or mental condition that has a high probability of resulting in a significant developmental delay.

**17a-248-4 [Parents, persons in parental relations, and surrogate] Surrogate parents**

- (a) The program shall [make every effort to] protect the right of [parents] a parent to make decisions about the child's early intervention services, unless (1) the child is committed to the care of the Commissioner of [the Department of] Children and Families; [and parental rights have been terminated;] (2) no parent can be identified; or (3) the [public agency] Department of Children and Families cannot, after reasonable efforts, discover the whereabouts of [the parents; or the child is a ward of the Commissioner of Children and Families.] a parent of the child.
- [(b) Where the parent's availability to the child is limited due to life circumstances, including residing far from their child or the parent is residing in an institution, or the child's placement in the care and custody of the Commissioner of the Department of Children and Families, the program shall, as appropriate, facilitate the parent's involvement in early intervention services by one or more of the following:
  - (1) providing transportation to the parent;
  - (2) enabling the parent's participation in meetings via telephone;
  - (3) convening meetings at times and in locations convenient to the parent; and
  - (4) allowing a birth parent or adoptive parent to voluntarily appoint a surrogate parent upon written consent.
- (c) For purposes of the Birth to Three System, a foster parent may be considered a person in a parental relationship to a child if:
  - (1) the natural parents' authority to make early intervention or educational decisions on the child's behalf has been relinquished under State law;
  - (2) the foster parent has an ongoing, long-term parental relationship with the child;
  - (3) the foster parent is willing to participate in making early intervention or educational decisions on the child's behalf; and
  - (4) the foster parent has no interest that would conflict with the interests of the child.]

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[(d)] (b) The [regional manager] director or the director's designee shall determine whether a child requires a surrogate parent.

[(e)] The regional manager shall make reasonable efforts to discover the whereabouts of a parent before appointing a surrogate.]

[(f)] (c) The [regional manager] director or the director's designee shall select a surrogate parent who is willing to serve in such capacity and who:

- (1) has no personal or professional interest that conflicts with the interests of the child;
- (2) has knowledge and skills that ensure adequate representation of the child; [and]
- (3) is not an employee of [the State lead agency, or other State agency, and who is not a person, or any employee of a person, providing early intervention services to the infant or toddler, or any family member of the infant or toddler. A person who is paid to serve as a surrogate parent is not deemed to be an employee of a public agency.] any state agency;
- (4) is not a person or employee of a person providing early intervention services to the child or to any family member of the child; or
- (5) is not an employee of an agency caring for the child.

(d) A person who is paid to serve as a surrogate parent shall not be deemed to be an employee of a state agency.

[(g)] (e) The program shall afford [the] a surrogate parent the same rights and responsibilities as accorded to [the] a parent by the Birth to Three System and shall represent a child in all matters related to:

- (1) evaluation of the child;
- (2) development and implementation of the Individualized Family Service Plan, including annual evaluations and periodic reviews;
- (3) the ongoing provision of early intervention services;
- (4) the right to request mediation or an administrative proceeding in the event of a dispute; and
- (5) any other rights established in the Birth to Three System.

[(h)] The] (f) A surrogate parent shall maintain the confidentiality of all information regarding the child, including written records in accordance with 34 CFR 99.2 to 99.37, inclusive.

[(i)] (g) The lead agency[, in collaboration with programs and local interagency coordinating councils,] shall develop a procedure for recruitment of qualified persons to serve as surrogate parents[, including, but not limited to, the recruitment of parents of children with disabilities to serve as surrogate parents.

[(j)] (h) The lead agency, in collaboration with interested organizations, shall ensure that qualified persons receive training in the developmental needs, service options and rights of [children] a child eligible for early intervention services and shall maintain [and disseminate] a list of individuals who have received such training. [to regional managers.]

[(k)] The regional manager may revoke the appointment of a surrogate parent in the event:]

(i) The director or the director's designee shall terminate the appointment of a surrogate parent in the event that:

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- (1) the surrogate parent is no longer willing or available to participate in that capacity; [or fails to fulfill the duties;]
- (2) the child is no longer [a ward of the state; or,] in the custody of the Commissioner of Children and Families;
- (3) a parent becomes available[.] ; or,
- (4) the surrogate parent fails to fulfill a surrogate parent's duties.

[(l) The] (j) When a termination of an appointment as a surrogate parent is due to the failure to fulfill a surrogate parent's duties, the surrogate parent may [within ten (10) calendar days request, in writing, a review of the revocation. Within] request in writing, a review of the termination, not later than ten (10) days after the date of receipt of the notice of termination of appointment. Not later than twenty (20) [calendar] days [of the notice the regional manager] after the date of receipt of the surrogate parent's request for review of the termination of appointment, the director or the director's designee shall send the individual written notice that the surrogate parent appointment has been reinstated or [has been revoked.] that the termination of the appointment has been upheld.

[(m)] (k) In the event that the surrogate parent's appointment is [revoked] terminated and the child continues to require the assistance of a surrogate parent, the [regional manager] director or the director's designee shall appoint a surrogate parent.

[(n)] (l) Upon review of [the] a child's Individualized Family Service Plan (IFSP), and, at a minimum, upon annual review, the program shall determine whether any change in circumstances [warrant] warrants review of the appointment of the child's surrogate parent. [When] If the program determines that circumstances warrant [such a change,] the termination of the appointment of a child's surrogate parent and the appointment of a new surrogate parent for the child, the program shall make a request to the [regional manager,] director or the director's designee, who shall take action to [effectuate] make the change in consultation with the [Department] Commissioner of Children and Families [regional office] or other [public] state agency, [where] when appropriate.

[(o)] (m) When [an eligible child] a child enrolled in the Birth to Three System is turning three years of age and [is thought to] may be eligible for preschool special education services, the surrogate parent may give consent for the referral to the school district [who is] responsible for the child's education and for the child's initial evaluation by that school district. The local school district shall then request the appointment of a surrogate parent for the child from the State Department of Education (SDE).

**Section 3. Section 17a-248-5 to Section 17a-248-7, inclusive, of the Regulations of Connecticut State Agencies is amended to read as follows:**

**17a-248-5. Notice of parental rights**

- (a) Upon the first contact with the single point of referral for Birth to Three services, the lead agency's contractor shall provide the parent [information that describes] notice of the rights and entitlements afforded to parents and legal guardians under the Birth to Three System. [Such] The notice shall include an explanation of [parents' rights] a parent's right to consent to or decline any early intervention service without jeopardizing any other early intervention [services] service available under the law.
- (b) Prior to the initial [IFSP] Individualized Family Service Plan (IFSP) meeting and [at least] not less than annually thereafter, the program shall give the parent information that summarizes [their] a parent's rights under the Birth to Three

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**17a-248-6. [Client records] Records**

- (a) Personally identifiable information shall be confidential and shall not be disclosed by any employee or contractor of the lead agency or early intervention program except in accordance with the provisions of [34 CFR 300.571.] 34 CFR 99.2 to 99.37, inclusive.
- (b) If [the] a child's parent and a child's program cannot agree on a request to amend the record of an eligible child, the child's program shall (1) inform the parent in writing of the program's decision [and] , (2) inform the parent of [the] a parent's right to place a statement in the record reflecting their views about its contents, and (3) the right to request, in writing, an administrative proceeding in accordance with [Section] section 17a-248-9 of [these regulations.] the Regulations of Connecticut State Agencies.

**17a-248-7. Written notice [and consent]**

- (a) [A reasonable time before an agency proposes to, or refuses to, initiate or change the identification, evaluation or placement of the child, or the provision of appropriate early intervention services to the child and the child's family, the agency shall notify the parents of an eligible child or a child who may be eligible to receive early intervention services.] The agency shall notify a parent of a child who is eligible or who may be eligible to receive early intervention services not later than five (5) days prior to the agency proposing or refusing: (1) to initiate or change the identification, evaluation or placement of the child or (2) to provide appropriate early intervention services to the child and the child's family.
- (b) The written notice shall inform the parent about:
  - (1) the action that is being proposed, [or refused,]
  - (2) the reasons for taking the action, and
  - (3) all procedural safeguards that are available pursuant to [Sections] sections 17a-248-9 [through] to 17a-248-10, inclusive, of [these regulations.] the Regulations of Connecticut State Agencies.
- (c) The notice shall be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent, unless it clearly is not feasible to do so. If the native language of the parent is not a written language, the agency shall ensure that:
  - (1) the notice is translated orally or by other means to the parent in the parent's native language,
  - (2) the parent understands the notice, and
  - (3) there is written [evidence] documentation that the requirements of this section have been met.
- (d) For an individual with deafness or blindness, or for an individual with no written language, the term native language means the mode of communication that normally is used by the individual, such as sign language, Braille or oral communication.

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**Section 4. Section 17a-248-8 to Section 17a-248-10, inclusive, of the Regulations of Connecticut State Agencies is amended to read as follows:**

**17a-248-8      Mediation Procedures to Resolve Individual Child Complaints**

- (a) A statewide mediation system shall be available to ensure parents and programs may voluntarily access a non-adversarial process for the resolution of complaints regarding the provision of early intervention services.
- [(a)] (b) The decision of the parent [to not] not to participate in mediation proceedings shall not prevent or delay the parent from pursuing an administrative proceeding as provided by [Section] section 17a-248-9 of [these regulations.] the Regulations of Connecticut State Agencies.
- (c) [The lead agency shall, upon written request for a mediation from either a parent or program, appoint an impartial mediator. Impartial mediators shall not be employees of any public or private agency or program involved in the provision of early intervention services or care of the child and shall not have a personal or professional interest that would conflict with his or her objectivity as an impartial mediator.] The lead agency shall appoint a qualified, impartial mediator upon written request from either a parent or a program. An impartial mediator shall not be an employee of any public agency, private agency or program involved in the provision of early intervention services or care of the child for whom the mediation has been requested. An impartial mediator shall not have a personal or professional interest that conflicts with his or her objectivity in the mediation proceedings.
- (d) Any parent requesting mediation has the right to:
  - (1) withdraw at any time from mediation;
  - [(1)] (2) withdraw at any time from mediation and request an administrative proceeding;
  - [(2)] (3) have the mediation conducted [at a neutral, reasonably convenient site and time;] at a neutral, reasonably convenient site and at a reasonably convenient time; and
  - [(3)] (4) interpreter services or alternative communication services, if any are needed.
- (e) When mediation results in successful negotiation of a partial or full agreement on areas in dispute between [the] a parent and [the] a program, the mediator shall:
  - (1) document the terms of the negotiated agreement in writing and obtain the signatures of the parent and the program representative on the written agreement;
  - (2) if applicable, list the unresolved issues and state only that no agreement was reached on these issues;
  - (3) whenever practicable, provide the written agreement in the dominant language of the parent or [other] in an alternative mode of communication;
  - (4) ensure that the parent and program representative receive a copy of the written agreement; and
  - (5) inform the [Birth to Three regional manager and] director of the disposition of the mediation.
- (f) The service coordinator from the early intervention program shall ensure that the terms of the written agreement are incorporated into the Individualized Family Service Plan (IFSP) [within] not later than five (5) working days [of the] after the date of receipt of the written document.

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- (g) Except as [otherwise] required by [State and Federal] state and federal law, all statements made during [the] a mediation and all documents prepared for [the] a mediation shall remain confidential unless both parties agree to release that information. No such information shall be used in any subsequent due process proceeding without the consent of both parties.

**17a-248-9      Administrative proceeding to resolve individual child complaints**

- (a) The lead agency shall establish, implement and maintain an administrative proceeding process for the resolution of individual complaints regarding: [the identification, evaluation and assessment; eligibility determination;] (1) the evaluation, assessment and eligibility determination of a child; (2) the development, review and implementation of the Individualized Family Service Plan (IFSP); and (3) the parent's procedural rights and safeguards.
- (b) A parent of a child who is eligible or who may be eligible for early intervention services may request, in writing, of the lead agency an administrative proceeding to review: [the proposal, or refusal, of an agency to initiate or change the identification, evaluation or placement of the child, or the provision of early intervention services to the child and the child's family.] (1) the evaluation, assessment and eligibility determination of a child; (2) the development, review and implementation of the IFSP and (3) the parent's procedural rights and safeguards.
- [(c) Upon receipt of a written request for an administrative proceeding, the lead agency shall schedule such a proceeding, which shall be held in accordance with this section.]
- [[d)] (c) The lead agency, [shall,] upon receipt of a written request for an administrative proceeding in accordance with subsection (a) of this section, shall appoint an impartial decision maker, knowledgeable about the provisions of [sections 17a-248-1 through 17a-248-12, inclusive, of the Regulations of Connecticut State Agencies, and the need of, and services available for, eligible children and their families. The proceeding shall be scheduled] sections 17a-248 to 17a-248g, inclusive, of the Connecticut General Statutes, sections 17a-248-1 to 17a-248-14, inclusive, of the Regulations of Connecticut State Agencies, 20 USC 1431 to 1444, inclusive, and 34 CFR 303. The impartial decision maker shall schedule the administrative proceeding at a time and in a location reasonably convenient to the parents. [The impartial decision maker shall not be an employee of any public or private agency or program involved in the provision of early intervention services or care of the child and shall not have a personal or professional interest that would conflict with his or her objectivity as an impartial decision maker. A person who is paid to serve as an impartial decision maker is not deemed to be an employee of a public agency. The impartial decision maker shall make a record of the proceedings.]
- (d) An impartial decision maker shall not be an employee of any public or private agency or program involved in the provision of early intervention services or care of the child for whom the proceeding has been requested. An impartial decision maker shall not have a personal or professional interest that conflicts with his or her objectivity in the administrative proceeding. A person who is paid to serve as an impartial decision maker is not deemed to be an employee of a state agency.
- (e) The impartial decision maker shall listen to the presentation of relevant viewpoints concerning the matter under review, examine all information relevant to the issues and seek to reach a timely resolution of the matter. The findings of fact, conclusions of law and decision shall be written without personally



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identifiable information concerning the child or the child's family. The impartial decision maker shall make a record of the proceedings.

- (f) [A] The record of the administrative proceeding shall be kept by the lead agency and shall include all notices, pleadings, and motions; evidence presented during the administrative proceeding; questions and offers of proof, objections thereto, and [ruling] rulings thereon; any statements of matters officially noticed by the impartial [person;] decision maker; and any findings of fact, conclusions of law, decision, determination, opinion, order or report made by the impartial [person.] decision maker.
- (g) Any parent requesting an administrative proceeding has the right to:
- (1) be accompanied and advised by counsel and by individuals with special knowledge or training with respect to early intervention services for eligible children;
  - (2) present evidence and confront, cross-examine and compel the attendance of witnesses;
  - (3) prohibit the introduction of any evidence at the administrative proceeding, which has not been disclosed to the parent at least five (5) days before the proceeding;
  - (4) obtain a written or electronic verbatim transcription of the proceedings;
  - (5) obtain written findings of fact, conclusions of law and decisions;
  - (6) have his or her child present at the proceeding; and
  - (7) open the proceeding to the public.
- (h) During the pendency of an administrative proceeding, (1) unless the parties otherwise agree, the eligible child shall continue to receive early intervention services currently being provided and (2) if the proceeding involves an [application for] initial [early intervention services] Individualized Family Service Plan (IFSP), the child shall receive those early intervention services that are not in dispute.

**17a-248-10. System complaint resolution**

- (a) Any individual or organization may file a written, signed complaint with the lead agency alleging a violation of one or more requirements of the Early Intervention Program for Infants and Toddlers with Disabilities or sections 17a-248-1 [through] to 17a-248-14, inclusive, of [these regulations] the Regulations of Connecticut State Agencies by (1) any agency that receives funds, by contract or otherwise, pursuant to the Infants and Toddlers with Disabilities part of the Act, or (2) other agencies that are involved in the early intervention system. The complaint shall state the facts on which the complaint is based.
- (b) [Within] Not later than 60 days after the date of receipt of the complaint, the lead agency shall:
- (1) [carryout] conduct an independent on-site investigation, if it is determined by the lead agency that an on-site investigation is necessary;
  - (2) give the complainant the opportunity to submit additional information, either orally or in writing, [about] regarding the allegations in the complaint;
  - (3) review all relevant information and make an independent determination as to whether the agency is violating a requirement of the Early Intervention Program for Infants and Toddlers with Disabilities or of sections 17a-248-

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1 [through] to 17a-248-14, inclusive, of [these regulations;] the Regulations of Connecticut State Agencies; and

- (4) issue a written decision to the complainant that addresses each allegation in the complaint and contains:
  - (A) findings of fact and conclusions; and
  - (B) the reasons for the final decision.
- (c) An extension of the 60-day time limit under subsection (b) of this section shall be granted in the event exceptional circumstances exist with respect to a particular complaint as determined by the lead agency.
- (d) Procedures for effective implementation of the lead agency's final decision, if needed, shall include technical assistance activities, negotiations, and corrective actions to achieve compliance.

**Section 5. Section 17a-248-11 to 17a-248-14, inclusive, of the Regulations of Connecticut State Agencies is amended to read as follows:**

**17a-248-11 Financial liability definitions**

[For the purposes of Sections 17a-248-12 through 17a-248-14, inclusive, of these regulations, the following definitions shall apply:] As used in sections 17a-248-11 to 17a-248-14, inclusive, of the Regulations of Connecticut State Agencies:

[(a) “Contribution” means an amount of money determined to be due and payable currently from a parent.

(b) “Adjusted Gross income” means the total of adjusted earned and unearned income as shown on the parent’s most recent state income tax return or, in lieu of a state income tax return, a federal income tax return. In lieu of either, the lead agency may approve an alternative means of reporting income.]

(1) “Adjusted gross income” means the total of adjusted earned and unearned income as shown on the parent’s most recent state income tax return or, in lieu of a state income tax return, a federal income tax return. In lieu of either a state or federal income tax return, the lead agency may approve an alternative means of reporting income.

(2) “Contribution” means an amount of money determined to be due and payable from a parent.

[(c)] (3) “Family”, for purposes of determining family size, means a group of two or more persons related by birth, marriage, or adoption who live together.

[(d)] (4) “IFSP early intervention services” means the early intervention services described in an IFSP as defined in subsection (7) of section 17a-248-1 of the Regulations of Connecticut State Agencies excluding any services which are to be carried out at public expense. Services, which are to be carried out at public expense, are described in 34 CFR [Section] 303.521 and include, but are not limited to, evaluation, assessment, IFSP development and review, and service coordination.

[(e)] (5) “Insurance” means third party coverage for the costs of health care services.

[(f)] (6) “Medicaid” means the program operated by the Department of Social Services pursuant to [Section] section 17b-260 of the Connecticut General Statutes and authorized by Title XIX of the Social Security Act.

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[(g)] (7) “Parent” means the natural or adoptive parent or legal guardian of any [children] child receiving IFSP early intervention services.

[(h)] (8) “Program” means an agency providing comprehensive early intervention services to [eligible children] an eligible child operated by, under contract with, or through an interagency agreement with the lead agency.

[(i)] (9) “Uninsured parent” means a parent who does not have insurance coverage for their child.

17a-248-12 Insurance

- (a) Programs shall be responsible for billing insurance.
- (b) [Parents] A parent shall be responsible for the reimbursement of costs for early intervention services included in an eligible child’s Individualized Family Service Plan [IFSP] (IFSP) [through contributions] from insurance and [a fee schedule established by the lead agency.] through parent contributions established in the schedule of contributions in subsections (a) and (b) of section 17a-248-13 of the Regulations of Connecticut State Agencies.
- (c) [Parents who have] A parent who has insurance may assign to the lead agency the right of recovery or indemnification which [he] the parent has against [his] the parent’s insurer for the cost of IFSP early intervention services for which [he] the parent is liable. [and] In addition, the parent shall make a contribution to the lead agency based on the schedule of contributions in [Section 17a-248-13(a)] subsection (a) of section 17a-248-13 of the Regulations of Connecticut State Agencies. The total reimbursement from insurance and parent contributions shall not exceed the actual cost for IFSP early intervention services.
- (d) [Uninsured parents] An uninsured parent shall make a contribution to the lead agency based on the schedule of contributions in [Section 17a-248-13(a) of these regulations.] subsection (a) of section 17a-248-13 of the Regulations of Connecticut State Agencies.
- (e) [Parents who have] A parent who has insurance and [elect] elects not to assign such right of recovery or indemnification to the lead agency shall make a contribution to the lead agency based on the schedule of contributions in [Section 17a-248-13(b) of these regulations.] subsection (b) of section 17a-248-13 of the Regulations of Connecticut State Agencies.
- (f) [Parents] A parent of a child, [that] who is eligible for Medicaid, shall not be required to make any contribution.

17a-248-13 Schedule of contributions

- (a) The schedule of contributions based on a sliding scale for parents who are uninsured or who assign to the lead agency the right of insurance recovery shall be as follows:

Adjusted Gross Family Income	Monthly Contribution by Family Size			
	3 or Fewer	4	5	6 or More
Less than \$45,000	\$0	\$0	\$0	\$0
\$45,000 - \$55,000	[\$15] <u>\$24</u>	[\$10] <u>\$16</u>	[\$5] <u>\$8</u>	[\$5] <u>\$8</u>
\$55,001 - \$ \$65,000	[\$20] <u>\$32</u>	[\$15] <u>\$24</u>	[\$10] <u>\$16</u>	[\$5] <u>\$8</u>
\$65,001 - \$75,000	[\$25] <u>\$40</u>	[\$20] <u>\$32</u>	[\$15] <u>\$24</u>	[\$10] <u>\$16</u>
\$75,001 - \$85,000	[\$35] <u>\$56</u>	[\$30] <u>\$48</u>	[\$25] <u>\$40</u>	[\$20] <u>\$32</u>

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\$85,001 - \$95,000	[ <del>\$65</del> ] <u>\$104</u>	[ <del>\$60</del> ] <u>\$96</u>	[ <del>\$55</del> ] <u>\$88</u>	[ <del>\$50</del> ] <u>\$80</u>
\$95,001 - \$105,000	[ <del>\$75</del> ] <u>\$120</u>	[ <del>\$70</del> ] <u>\$112</u>	[ <del>\$65</del> ] <u>\$104</u>	[ <del>\$60</del> ] <u>\$96</u>
\$105,001 - \$125,000	[ <del>\$95</del> ] <u>\$152</u>	[ <del>\$90</del> ] <u>\$144</u>	[ <del>\$85</del> ] <u>\$136</u>	[ <del>\$80</del> ] <u>\$128</u>
\$125,001 - \$150,000	[ <del>\$120</del> ] <u>\$192</u>	[ <del>\$115</del> ] <u>\$184</u>	[ <del>\$110</del> ] <u>\$176</u>	[ <del>\$105</del> ] <u>\$168</u>
\$150,001 - \$175,000	[ <del>\$145</del> ] <u>\$232</u>	[ <del>\$140</del> ] <u>\$224</u>	[ <del>\$135</del> ] <u>\$216</u>	[ <del>\$130</del> ] <u>\$208</u>
\$175,001 - and above	[ <del>\$170</del> ] <u>\$272</u>	[ <del>\$165</del> ] <u>\$264</u>	[ <del>\$160</del> ] <u>\$256</u>	[ <del>\$155</del> ] <u>\$248</u>

- (b) The schedule of contributions based on a sliding scale for parents who have insurance and do not assign to the lead agency the right of insurance recovery shall be as follows:

Adjusted Gross Family Income	Monthly Contribution [By] <u>by</u> Family Size			
	3 or Fewer	4	5	6 or More
Less than \$45,000	\$0	\$0	\$0	\$0
\$45,001 - \$55,000	[ <del>\$30</del> ] <u>\$48</u>	[ <del>\$20</del> ] <u>\$32</u>	[ <del>\$10</del> ] <u>\$16</u>	[ <del>\$10</del> ] <u>\$16</u>
\$55,001 - \$65,000	[ <del>\$40</del> ] <u>\$64</u>	[ <del>\$30</del> ] <u>\$48</u>	[ <del>\$20</del> ] <u>\$32</u>	[ <del>\$10</del> ] <u>\$16</u>
\$65,001 - \$75,000	[ <del>\$50</del> ] <u>\$80</u>	[ <del>\$40</del> ] <u>\$64</u>	[ <del>\$30</del> ] <u>\$48</u>	[ <del>\$20</del> ] <u>\$32</u>
\$75,001 - \$85,000	[ <del>\$70</del> ] <u>\$112</u>	[ <del>\$60</del> ] <u>\$96</u>	[ <del>\$50</del> ] <u>\$80</u>	[ <del>\$40</del> ] <u>\$64</u>
\$85,001 - \$95,000	[ <del>\$130</del> ] <u>\$208</u>	[ <del>\$120</del> ] <u>\$192</u>	[ <del>\$110</del> ] <u>\$176</u>	[ <del>\$100</del> ] <u>\$160</u>
\$95,001 - \$105,000	[ <del>\$150</del> ] <u>\$240</u>	[ <del>\$140</del> ] <u>\$224</u>	[ <del>\$130</del> ] <u>\$208</u>	[ <del>\$120</del> ] <u>\$192</u>
\$105,001 - \$125,000	[ <del>\$190</del> ] <u>\$304</u>	[ <del>\$180</del> ] <u>\$288</u>	[ <del>\$170</del> ] <u>\$272</u>	[ <del>\$160</del> ] <u>\$256</u>
\$125,001 - \$150,000	[ <del>\$240</del> ] <u>\$384</u>	[ <del>\$230</del> ] <u>\$368</u>	[ <del>\$220</del> ] <u>\$352</u>	[ <del>\$210</del> ] <u>\$336</u>
\$150,001 - \$175,000	[ <del>\$290</del> ] <u>\$464</u>	[ <del>\$280</del> ] <u>\$448</u>	[ <del>\$270</del> ] <u>\$432</u>	[ <del>\$260</del> ] <u>\$416</u>
\$175,001 - and above	[ <del>\$340</del> ] <u>\$544</u>	[ <del>\$330</del> ] <u>\$528</u>	[ <del>\$320</del> ] <u>\$512</u>	[ <del>\$310</del> ] <u>\$496</u>

- [(c) Monthly contributions from parents in accordance with the schedules established by these regulations shall not accrue except after the second full month following the enrollment of a child.]

- (c) The monthly contribution from a parent, in accordance with the schedules established in this regulation, shall begin with the first full calendar month of a child's enrollment after IFSP early intervention services begin.

- (d) [The] A parent shall be liable for the monthly contributions for each full calendar month that their child is enrolled in the Birth to Three System after IFSP early intervention services begin and until the child exits the system. Additional contributions shall not be required if the parent has more than one child enrolled in the Birth to Three System at the same time.

- (e) The aggregate contributions made by [the] a parent and a parent's insurance shall not exceed the aggregate state cost of IFSP early intervention services received by their child and family.

- (f) The State Interagency Birth to Three Coordinating Council shall review the schedule of contributions at least once every three years and shall make recommendations to the lead agency regarding [such schedule.] the schedule of contributions.

- (g) The lead agency or its designee shall be responsible for billing. [Bills which are unpaid after three (3) months shall result in the suspension of] When the amount owed by the parent is equal to or more than three (3) months of unpaid bills, the lead agency shall notify the parent that IFSP early intervention services shall be suspended until such time as payment is made in full. A parent shall be notified in writing not later ten (10) days prior to the suspension of services. At the time that IFSP early intervention services are suspended, the parent may elect to

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continue to receive only those services that the Individuals with Disabilities Education Act Part C requires to be provided at no cost to parents or the parent may withdraw from the Birth to Three System. Records of unpaid bills shall be maintained and shall be due at any time that a child who has been withdrawn is re-enrolled or a child's sibling is enrolled. The parent shall not be required to make a contribution for any month in which no IFSP early intervention services are delivered. Services that are not cancelled by the family at least 24-hours prior to their scheduled time are considered to have been delivered.

- (h) [At least annually, or when the lead agency determines that a reassessment of the parent's financial circumstances is warranted, the lead agency or its designee shall conduct such a reassessment and adjust the contribution for early intervention services.] The lead agency or its designee shall conduct a reassessment of a parent's financial circumstances, not less than annually, or when the lead agency determines that a reassessment is warranted. The lead agency may adjust a parent's contribution for early intervention services based upon the reassessment.
- (i) [The] A parent has the right to have a reassessment at any time if there are significant changes affecting the determination of [his] the parent's contribution. Such request for reassessment shall be made in writing.
- [(j)] Parents may request in writing an adjustment of fees if there are extraordinary expenditures that should be taken into account when calculating the contribution. Adjustments may be requested through the regional manager as outlined in section 17a-248-14 of these regulations. If such an adjustment is denied the parent may request an administrative proceeding pursuant to section 17a-248-9 of these regulations.]

**17a-248-14 Adjustment to parent fees**

- [(a)] The lead agency may, upon the written request of a parent and proper documentation and determination, reduce the parent's adjusted gross income from which the contribution is calculated.]
- (a) A parent may request in writing an adjustment of the family's adjusted gross income if there are one or more extraordinary expenditures that should be taken into account when calculating the contribution. Adjustments may be requested through the director or the director's designee as outlined in this section. If such an adjustment is denied, the parent may request an administrative proceeding pursuant to section 17a-248-9 of the Regulations of Connecticut State Agencies.
- (b) The lead agency may reduce a family's adjusted gross income from which the contribution is calculated, upon the written request of the parent and with the submission of appropriate documentation.
- [(b)] (c) The lead agency shall review requests submitted [pursuant to section 17a-248-13(f) of these regulations and shall notify the parent by mail of its decision.] and, upon determination, a parent shall be notified of the decision.
- [(c)] (d) A parent who is aggrieved by such a decision may request in writing through the [regional manager] director or the director's designee an administrative [review within] proceeding not later than thirty (30) days after the date of [the] receipt of the notice of the lead agency's decision.
- [(d)] (e) The lead agency shall hold such review [within] not later than thirty (30) days after the date of [the] receipt of [such] a request for [such review and shall, at least ten days prior to the date of such review,] an administrative proceeding. The lead agency shall mail a notice, giving the time and place of the [review]

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proceeding to the aggrieved parent[.] , not later than ten (10) days prior to the date of the proceeding. A period of continuance, not to exceed twenty (20) days, may be granted.

- [(e)] (f) The aggrieved parent shall appear personally at the administrative [review] proceeding and may have representation.
- [(f)] (g) A record shall be made of each administrative [review,] proceeding, but [need not] shall only be transcribed upon request.
- [(g)] (h) The administrative [review] proceeding shall be conducted by the commissioner of the lead agency or [his] the commissioner's designee.
- [(h)] (i) The lead agency shall render a final decision [within] not later than ninety (90) days after the close of the administrative [review.] proceeding. Written notice of the final decision shall be sent to the aggrieved parent by the lead agency by certified mail.
- (j) A parent shall continue to be billed at the original contribution amount until a request for adjustment of contributions is approved either by the director or the director's designee or through the administrative proceeding.
- (k) The lead agency, upon approval of an adjustment of contribution, shall adjust a parent's contributions to reflect any overpayment or underpayment of contributions during the approval process and the administrative proceeding.

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**Statement of Purpose:**

These Early Intervention Services for Infants and Toddlers and their Families regulations concerning the Department of Developmental Services' Birth to Three system are being amended to (1) increase fees certain families pay to participate in the Birth to Three program by 60% as required by Public Act 09-3 (PA 09-3) of the September Special Session (SSS), and (2) eliminate the two months of service following enrollment that, by regulation, are currently provided without a fee as required by PA 09-3 SSS. In addition to the required amendments pursuant to Public Act 09-3 of the September Special Session, technical and clarifying changes to the Birth to Three regulations are being proposed including adopting the definition of "parent" that is used in the federal Individuals with Disabilities Education Act (IDEA) and changes reflecting the move from a regional Birth to Three system to a centralized Birth to Three system. Certain technical changes also have been made to place these regulations in conformance with new and revised guidelines established in the Legislative Commissioners' Office's State of Connecticut Manual for Drafting Regulations, Revised December 2009.

Section 1 (17a-248-1 to 17a-248-2, inclusive) makes various changes in the definitions used in these regulations and adds the definition of "parent" in conformance with the federal IDEA. Section 2 (17a-248-3 to 17a-248-4, inclusive) makes changes to (1) reflect the change from a regional to a centralized Birth to Three system (2) remove the definition of foster parent that is superseded by the new definition of "parent", and (3) make technical and clarifying changes reflecting current practice. Section 3 (17a-248-5 to 17a-248-7) makes technical corrections. Section 4 (17a-248-8 to 17a-248-10, inclusive) makes technical and clarifying changes to the Birth to Three mediation and complaint process. Section 5 (17a-248-11 to 17a-248-14, inclusive) (1) details the new rate structure for parent fees reflecting the sixty percent increase, (2) eliminates the two months of service following enrollment that are currently provided without a fee, (3) clarifies the criteria for the suspension of Birth to Three services for non-payment of fees, and (4) makes technical and clarifying changes to reflect the centralized Birth to Three system.